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1-17-01

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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN D. PERKEY AND
THERESA M. PERKEY,

Plaintiffs

v.

RELIABLE CARRIERS, INC.,
DANIEL JOSEPH BEMBEN,
AND KENT,

Defendants

CIVIL NO. 1:CV-00-1639

(Judge Rambo)

(Magistrate Judge Smyser)

FILED
HARRISBURG, PA

JAN 16 2001

MARY E. D'ANDREA, CLERK

PER ME DEPUTY CLERK

ORDER

This case has been referred to a magistrate judge, pursuant to the random case assignment and referral plan of the Middle District of Pennsylvania. This case will be assigned to this magistrate judge until the pretrial conference, 28 U.S.C. §636(b)(1), if there is not a consent to proceed before a magistrate judge and will be assigned to this magistrate judge through trial if there is consent, 28 U.S.C. §636(c)(1), to proceed before a magistrate judge. The parties may indicate consent in the Joint Case Management Plan.

Case management dates, including the trial date,¹ will be established for this case at the case management conference.

IT IS HEREBY ORDERED THAT:

1. A case management conference will be conducted by the court on **February 16, 2001, at 9:00 a.m.**, in Chambers, Eleventh Floor, Federal Building, Third and Walnut Streets, Harrisburg, Pennsylvania. **This conference will be in person unless a party requests that the conference be held by telephone and the request has the concurrence of all parties. It will then be the responsibility of the requesting party to so inform the court and to place the conference call.**

2. The primary purpose of this conference will be to establish case management deadlines to enable this action to go forward as efficiently as possible. Participation in this conference by counsel or by pro se litigants is mandatory.

3. If counsel of record is unable to participate in the conference, the court shall be notified of the name of the substitute counsel two business days in advance of the date of

¹A trial date based upon the trial calendar of the magistrate judge will be set. At a later date, approximately at the completion of discovery, if there is not consent to proceed before the magistrate judge to trial, the case will be placed upon a district judge's calendar.

the conference. The telephone number to call is (717) 221-3980.

4. Counsel are advised to comply with Rule 16.3(a) of the Rules of Court for the Middle District of Pennsylvania. Local Rule 16.3 requires lead counsel for each party to meet prior to the management conference and complete a "Joint Case Management Plan" form. **The completed form, which is set forth in Appendix B of the local rules, must be filed on or before February 9, 2001.** Counsel should also be conversant with the district's "Expense and Delay Reduction Plan," adopted on August 19, 1993, as required by the Civil Justice Reform Act of 1990.

5. Counsel shall note that this district has not opted-out of Federal Rule of Civil Procedure 26. The joint case management plan contemplates discovery prior to the Rule 26(f) meeting and is, therefore, deemed to be an exception to the limitation on discovery contained in the first sentence of Rule 26(d). Counsel shall not cease active discovery pending disposition of a motion to dismiss.

6. At the case management conference the captioned action will be placed on one of the following tracks:

a) **Fast Track** - Setting rapid disposition time limitations consistent with the character of the case;

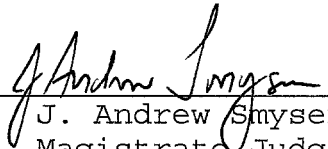
setting a trial date or disposition date not more than six months from the filing of the action in this court.

b) **Expedited Track** - Setting a trial date goal or disposition of not more than eight months from the filing of the action in this court.

c) **Standard Track** - Setting a trial date goal or disposition of not more than fifteen months from the filing of the action in this court.

d) **Complex Track** - Setting a trial date goal or disposition of not more than two years from the filing of the action in this court.

7. The parties are advised that once the deadlines have been established extensions of those time periods will not be granted, except under extraordinary circumstances.



J. Andrew Smyser
Magistrate Judge

Dated: January 16, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 16, 2001

Re: 1:00-cv-01639 Perkey v. Reliable Carriers, I

True and correct copies of the attached were mailed by the clerk
to the following:

Marcus A. McKnight III, Esq.
Irwin, McKnight & Hughes
60 West Pomfret Street
Carlisle, PA 17013

Mark D. Schwartz, Esq.
Irwin, McKnight & Hughes
60 West Pomfret Street
Carlisle, PA 17013

Heather L. Harbaugh, Esq.
3211 North Front Street
P.O. Box 5300
Harrisburg, PA 17110

cc:	
Judge	()
Magistrate Judge	()
U.S. Marshal	()
Probation	()
U.S. Attorney	()
Atty. for Deft.	()
Defendant	()
Warden	()
Bureau of Prisons	()
Ct Reporter	()
Ctroom Deputy	()
Orig-Security	()
Federal Public Defender	()
Summons Issued	() with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()
Order to Show Cause	() with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()
Other	()

MARY E. D'ANDREA, Clerk

DATE:

1-16-01

BY:

BTB
Deputy Clerk